

Exhibit A

Case 1:14-cv-05211-BMC-LB Document 1 Filed 09/03/14 Page 1 of 14 PageID #: 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Ruthbey Perez
41-46 50th st. Apt. 2B

Woodside, NY 11377
NAME OF PLAINTIFF(S)

Frontier Airlines

La guardia airport main terminal

Flushing ny 11373
NAME OF DEFENDANT(S)

COMPLAINT

CV 14 -

ORIGINAL
5211

COGAN, J.

BLOOM, M.J.

This action is brought for discrimination in employment pursuant to (check only those that apply):

X

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

NOTE: In order to bring a suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

X

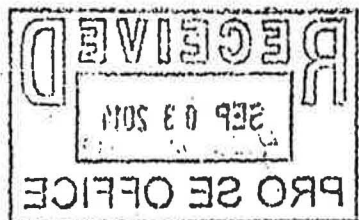
Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 92-592, the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: In order to bring a suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117 (amended by the ADA Amendments Act of 2008, Pub. L. No. 110-325 and the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

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1103 - 4100

LM 1103

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Jurisdiction is specifically conferred upon this United States District Court by the
 aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be
 appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of
 1991, Pub. L. No. 102-166, and any related claims under New York law.

1. Plaintiff resides at:

41-46 50th St. Apt. 2B
 Street Address
Woodside, NY, 11377, 718-565-6150
 County State Zip Code Telephone Number

2. Defendant(s) resides at, or its business is located at:

1001 Tower Road
 Street Address
 , Denver, CO, 80249
 County City State Zip Code

3. The address at which I sought employment or was employed by the defendant(s) is:

La Guardia Airport Main terminal
 Street Address
1, Flushing, NY,
 County City State Zip Code

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4. The discriminatory conduct of which I complain in this action includes (check only those that apply).

☐ Failure to hire.
☒ Termination of my employment.
☐ Failure to promote.
☐ Failure to accommodate my disability.
☒ Unequal terms and conditions of my employment.
☒ Retaliation
☐ Other acts (specify): _____

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

5. It is my best recollection that the alleged discriminatory acts occurred on:

9/17/07
 Date(s)

6. I believe that the defendant(s) (check one)

☐ is still committing these acts against me.
☒ is not still committing these acts against me.

7. Defendant(s) discriminated against me based on my:
 (check only those that apply and state the basis for discrimination, for example, what is your religion, if religious discrimination is alleged)

☒ race Hispanic ☐ color _____
☐ gender/sex _____ ☐ religion _____
☒ national origin Colombia
☐ disability _____
☒ age. If age is checked, answer the following:

I was born in 1956. At the time(s) defendant(s) discriminated against me,
 Year

I was ☒ more ☐ less than 40 years old. (check one).

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NOTE: *Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.*

8. The facts of my case are as follows:

I was repeatedly called old at my place of work, by
Angel Guerrero since I started work in 2007.
The general manager Mr. David Montemarano accused me
of not being able to work because of my age and would
make comments about how he did not like Colombians and hispanics
I was wrongly accused of checking the wrong passenger
right before this occurred I had a meeting with Kim Eask Steigner
the general manager for the entire airline. Mr. Montemarano did
not approve that I was having a private meeting with his boss.
(Attach additional sheets as necessary)

NOTE: *As additional support for your claim, you may attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights, or the New York City Commission on Human Rights.*

9. It is my best recollection that I filed a charge with the New York State Division of Human Rights or the New York City Commission on Human Rights regarding defendant's alleged discriminatory conduct on: _____
Date

10. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on: 10/12/12
Date

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Only litigants alleging age discrimination must answer Question #11.

11. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (*check one*):

X 60 days or more have elapsed.
less than 60 days have elapsed.

12. The Equal Employment Opportunity Commission (*check one*):

X has not issued a Right to Sue letter.
has issued a Right to Sue letter, which I
received on _____
Date

NOTE: Attach a copy of the Right to Sue Letter from the Equal Employment Opportunity Commission to this complaint.

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, pre-judgment interest, costs, and attorney's fees.

Opthelley N. May
PLAINTIFF'S SIGNATURE

Dated: Sept. 3 2014
RP

41-46 50th apt 2B
Address
woodside ny 11377
718-565 6150 H
Phone Number
917 923 7461 @

Mr. Montemarano, these 5 employees, and human resources to
 discuss this issue and a meeting never occurred. I was a
 full time worker with seniority, I was demoted to part time,
 in my last year working there, then given notice that in 3 months
 my position will be terminated. Before the three months was
 up I was fired for being wrongly accused for checking the wrong
 passenger. I have proof that I checked the right passenger in.
 Part of the reason I feel that I was fired was that I had been
 with the company for 5 years and I was over 55 years old so
 I could have retired with full benefits. I have included documents
 from this airline pertaining to this issue.

Thank you,

Ruthbey Perez

Ruthbey Perez

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EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Perez Ruthbey**
41-46 50th Street
Apt 2b
Woodside, NY 11377

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2013-00227

Ashraf Ahmed,
Investigator

(212) 336-3781

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

Enclosures(s)

On behalf of the Commission

Kevin J. Berry
District Director

5/15/2014
(Date Mailed)

cc:

Attn
Director of Human Resources
FRONTIER AIRLINES
La Guardia Airport
Flushing, NY 11379

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U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office

33 Whitehall Street, 5th Floor
New York, NY 10004-2112
District Office: (212) 336-3620
TTY (212) 336-3622

Ashraf Ahmed
Federal Investigator

Ms. Ruthbey Perez
41-46 50th Street (Apt. 2B)
Woodside, New York 11377

Re: *Perez v. Frontier Airlines*
EEOC Charge No. 520-2013-00227

Dear MS. *Perez*,

The Equal Employment Opportunity Commission (hereinafter referred "Commission") has reviewed above-captioned job discrimination complaint according to case prioritization procedures surrounding open investigations. Consequently, the Commission focuses available staff resources only on those cases most likely to result in violation determination(s) of laws it enforces.

In accordance with such standards, the Commission evaluated said charges based upon factual information and/or investigative evidence collected. Pursuant to this evaluation, the Commission can not conclude that you were subjected to any adverse employment action (i.e., job termination) motivated by discriminatory animus as defined under the Commission's guidelines and federal law.

Specifically, the charge alleges that Respondent, Frontier Airlines, discriminated against you on account of Race (Hispanic) and Age (57) during that course of your employ as a Gate Agent, September 2007 – October 2012, concluding in involuntary separation.

Based on an analysis of material documents and records received, including personnel action correspondence, the Commission is unable to conclude that a violation of Federal law on the part of Respondent occurred. This does not certify that Respondent complies with applicable anti-discrimination statutes; no finding is made as to any other issue that might be construed as having been raised by this charge.

Therefore, your complaint is hereby dismissed in its entirety. Attached is "Dismissal and Notice of Rights," affording an opportunity for a private lawsuit. If you wish to pursue this case further in Federal District court, the lawsuit must be filed within 90 days of Notice's receipt.

In the interim, should questions arise regarding the aforesaid, kindly feel free to contact Investigator Ashraf Ahmed directly by telephone via (212) 336 – 3781.

Sincerely,

Kevin Berry
District Director

5/15/2018
Date

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FRONTIER.

Frontier Airlines, Inc.
Frontier Center One
7001 Tower Road
Denver, CO 80249

P 720.374.4200
F 720.374.4375

frontierairlines.com

April 30, 2012

VIA HAND DELIVERY

Ruth Perez

La Guardia Station

Dear Ruth:

This letter is to inform you that the Company will be reducing its workforce at this location due to flight reductions. We regret to inform you that your position in Flushing/LaGuardia will be eliminated on or about June 1. Under the Company's employment policies, you do have bumping rights within your location.

You have the right to bump the most junior part time agent in reverse seniority order on the published seniority list, if you wish to accept a part time position at this location in lieu of furlough. In the event that you chose not to exercise your right to bump into a part time position or take a furlough, you may also sever your employment with the company and receive 2 weeks of severance pay.

In the event that attrition and/or voluntary furloughs would offset the necessity of eliminating your position, the Company will notify you as soon as possible.

Thank you very much for your service to Frontier Airlines and your continued dedication. For further information concerning this reduction in force, please do not hesitate to contact me.

Sincerely,



David Montemarano
La Guardia City Manager
Frontier Airlines, Inc.

A whole different animal.

FRONTIER.

Frontier Airlines, Inc.
Frontier Center One
7001 Tower Road
Denver, CO 80249

P 720.374.4200
F 720.374.4375

frontierairlines.com

October 1, 2012

VIA HAND DELIVERY

Ruthbey Perez

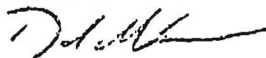
La Guardia Station

Dear Ruthbey:

This letter is to inform you that the Company will be reducing its workforce at this location due to flight reductions. We regret to inform you that your CSA position – out below/above - LGA will be eliminated on or about November 1. You are eligible to remain on the Frontier furlough list for a period of up to five years or you may sever your employment with the Frontier and receive 2 weeks of severance pay if you stay employed with Frontier in good standing until November 1.

Thank you very much for your service to Frontier Airlines and your continued dedication. For further information concerning this reduction in force, please do not hesitate to contact me.

Sincerely,



David Montemarano
La Guardia City Manager
Frontier Airlines, Inc.

A whole different animal™

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I received the letter from the CCC on 8/25/14
at midnight when I came home from work at
the mailboxes in my apartment building. It was
over flowing with all the residents mail. I believe that
I did not receive this letter when I was supposed to
because I have lived in three different apartments in the
same building. At times my mail gets confused with
different addresses in the building and sometimes the residents
take along time to return the mail. I have proof of the
different apartments that I have rented in the same ~~apartment~~
building

Thank you,
Gloria Perez
Ruth Perez

THE
BANK OF
NEW
YORK

PAGE
1

H SOCIAL SECURITY NO. TAX ID. NO.
111 62 6679
IF BLANK SEE REVERSE SIDE

RUTHDEY PEREZ
VICTOR M REYES
41 46 50TH STREET
APT 2E
WOODSIDE NY 11377

S

FOR INFORMATION ABOUT AUTOMATIC TRANSFERS CALL 212-495-1784
OR WRITE 48 WALL STREET NEW YORK NEW YORK 10286

<u>TYPE ACCOUNT</u>	<u>BRANCH</u>	<u>ACCOUNT NUMBER</u>	<u>STARTING DATE</u>	<u>CLOSING DATE</u>	<u>ITEMS ENCLOSED</u>
BUDGET CHECKING	420	0000603716	06/21/90	07/23/90	10

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**New York Telephone**

A NYNEX Company

Account Number:

718 565-7763 940 177

February 25, 1990

Total amount due **\$825.00****Previous charges**

Amount of last bill	\$697.97
Payments through February 28	300.00CR
Balance	<u>\$397.97</u>

P21

R PEREZ
41-46 50 ST
APT 2E
WOODSIDE NY
11377-4335

Current charges**Due date** **March 22, 1990**

New York Telephone	\$44.03
AT&T	383.00
Total current charges	<u>\$427.03</u>

These charges are for February 25 through March 24. You have basic budget service. **\$12.73**
 Line charge ordered by the Federal Communications Commission **3.50**
 A detailed explanation of your Basic service is provided three times a year. **Total** **\$16.23**